

Item No: D2 Recommendation to Council
Subject: **LGA - WIDE REVIEW OF DOG CONTROLS IN PARKS**

Author: Roger Faulkner, Team Leader - Open Space & Recreation Planning
Approvers: Paul Fraser, Manager Open Space & Trees
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/224947
Purpose of the Report: To seek Council endorsement to publicly exhibit the proposed changes to dog controls in public open space throughout the Woollahra LGA.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

Recommendation:

- A. THAT Council resolve to publicly exhibit the dog controls listed in Table 1 and Table 2 of the report for community feedback.
 - B. THAT a report be brought back to Council following the exhibition with feedback results and final staff recommendations for Council's consideration.
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Executive Summary:

The purpose of this report is to seek Council endorsement to publicly exhibit the proposed changes to dog controls in public open space throughout the Woollahra Local Government Area (LGA).

The community survey for Council's draft Recreation Strategy 2021, completed by 211 people in early 2020, found that exercising the dog was the third most common recreational activity (other than organised sport) and was undertaken by 41% of residents. Only walking and swimming were more popular regular recreational activities.

It is a reasonable assumption that the proportion of people owning and exercising dogs today is likely much higher than the figure of 41% from two years ago, as it is well documented throughout Australia that there has been significant growth in dog ownership and exercise needs in public open space since the onset of the COVID-19 pandemic and the resulting lockdowns, restrictions and changed work patterns.

The ensuing increased levels of dog exercise by individuals and families across all generations has also resulted in increased wear and tear issues in our open spaces and increased maintenance requirements for Council.

Dog exercise and dog management was also one of the most common themes that Council heard from the community in the 2020 survey for the draft Crown Reserves Plans of Management, which was completed by 480 people. Dogs provide companionship, a reason to exercise and socialising opportunities. People are passionate about their dogs, with many people considering dogs to be part of their family or valued companions, and they wish to have places for their dogs to run free.

The survey, however, revealed some acute conflicts of use across the LGA due to the high demand for, and frequent use of, all public open space. Conflicts of use identified in the survey include dog regulations not being adhered to, dog faeces not being picked up and differing opinions of what dog controls should be allowed in an area (e.g. sport being played during dog off-leash times, dogs not being allowed in a natural area, etc).

The survey results also demonstrated that our community is quite evenly divided on the issue of dog management, with some people wanting more areas for dog walking while others want dogs to be restricted and / or prohibited from certain reserves. Given this split, a key action of Council's draft Recreation Strategy, which is scheduled to be placed on public exhibition from mid-January 2023 concurrently with our draft Crown Reserves Plans of Management and draft Play Space Strategy, is to undertake a review of dog controls across the LGA.

It should also be noted that during 2022, prior to the review of dog controls being undertaken, Council trialled a timed dog off-leash arrangement in Moncur Reserve, Woollahra, a park that was previously prohibited to dogs. While the trial is considered to have been successful, it will still be part of this current review and be included in the final recommendations to Council following the community consultation process.

Council also resolved during 2022, to make changes to Panterong Reserve in Rose Bay from a dogs prohibited area to an on-leash area, in line with the results of community consultation held for that particular park. As the dog controls for Panterong Reserve have already been finalised it will not be part of the consultation process proposed in this report.

Discussion:

When reviewing and considering changes to Council's dog controls and whether an area of open space is appropriate for a dog off-leash area Council staff have used the following site suitability criteria:

- **Size**
The size of the park is important. It must be able to cater for dog exercise, other recreational activities, support infrastructure and landscaping.
- **Profile and access**
The site must have an open park character for surveillance and safety. The site should be as accessible as possible for pedestrians and vehicles and be easily seen and known by the community. If possible, the site should not be located adjacent to high traffic roadways for the safety of dogs and people. Dog off leash may not be appropriate at some high profile sites (due to potential impacts on the site character or other users).
- **Impacts on bushland and natural environment**
Sensitive natural environments should not be impacted on. This includes sites with high biodiversity and environmentally sensitive natural watercourses and coastal vegetation, endangered ecological communities and threatened species habitat, including flora and fauna.
- **Impacts on site character**
There should be minimal impact on the visual appeal, landscape and function of the park due to the dedication of an off leash area or the inclusion of a fenced dog park. This includes ensuring any potential future enhancements to a park for recreation, sport or linear connections are not affected by a dog off leash area.
- **Impacts on people**
Potential impacts on residents and other park users must be minimal, including no risk to children and adults playing sport, walking and cycling, using a play space or pursuing other recreation activities.
- **Playgrounds**
Dogs are not permitted within 10m of a playground under the Companion Animals Act 1998, therefore fencing is usually required unless there are appropriate plantings or natural barriers. Pathways less than 10m from a fenced playground are acceptable.

- **Sportsgrounds**

While sportsgrounds make great off-leash areas because of their size, they are used by schools, sports clubs, and casual users for a wide range of recreational activities, therefore timed off-leash arrangements are required for these spaces.

- **Beaches**

The space available for various activities and the level of community use at the site, particularly by families with young children, must be considered.

- **Memorials**

Dogs off-leash are not considered appropriate within 10m of a memorial.

Companion Animals Act 1998

Another key factor when considering changes to Council's dog controls is the NSW Companion Animals Act 1998.

The Act aims to promote responsible animal ownership in NSW. Some of the key regulations under the Act include:

- dogs in public places must be on a lead, except in a declared off-leash area
- dogs must be under the effective control of a competent person at all times
- dogs are prohibited within 10 metres of children's play areas
- dogs are prohibited within 10 metres of food preparation / consumption areas (except in certain approved circumstances as described in the paragraph below)
- dogs can be prohibited by the local authority in recreation and wildlife areas
- dogs can be prohibited by the local authority in places used for bathing (including beaches)
- if a dog defecates in a public place, the dog owner must remove and dispose of the faeces in a rubbish receptacle.

In relation to food preparation and consumption areas, for example the Redleaf Café, which is proposed to allow dogs on-leash in this report, the Act provides for the following arrangements:

14A Dogs not prohibited in outdoor dining areas in certain circumstances:

- (1) The relevant legal restrictions do not prohibit a dog (other than a dangerous, menacing or restricted dog) from being in an outdoor dining area if –
 - (a) the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and
 - (b) the person does not feed the dog or permit the dog to be fed, and
 - (c) the dog is kept on the ground.

Review of current and proposed dog controls

The review of dog controls commenced with an internal review by the relevant Council officers of our current dog off-leash areas, which are summarised below in Table 1. It is considered that these current off-leash areas are, on balance, all working successfully, and therefore all are recommended to remain unchanged.

Council officers then undertook a review of the current dog on-leash and prohibited areas, which resulted in a number of recommended changes to be publicly exhibited. These are summarised below in Table 2.

A map of the proposed changes is provided below in Figure 1, which will form part of the public exhibition material.

Table 1. Current Dog Off-leash Areas

Suburb	Park	Current Dog Off-leash Areas	Notes	Recommendation
Darling Point	Yarranabbe Park	All hours (except in playground)	Large space for a variety of recreational activities. Very popular off-leash area.	No change
	Rushcutters Bay Park	3.30pm-10.30am (except during organised sports bookings)	Large space for a variety of sport and recreational activities. Regular bookings on two sportsgrounds by clubs, schools and community groups. All works harmoniously. Extremely popular off-leash area.	No change
Double Bay	Steyne Park (Northern end)	All hours (except during sailing events rigging area licence (except in playground)	Medium size off-leash area. A number of requests have been received from dog walkers to expand the dog off-leash area to include the sportsground as well. Not recommended due to high number of before school sports training bookings from secondary schools, mid-week daily bookings by Double Bay Public School, and weekend sports club bookings.	No change
	Lough Playing Fields	4.30pm-8.30am (except during organised sports bookings)	Large space for a variety of sport and recreational activities. Very popular off-leash area.	No change
	Lower Cooper Park	4.30pm-8.30am (except during organised sports bookings)	Large space for a variety of sport and recreational activities. Popular off-leash area.	No change
Paddington	Royal Hospital for Women Park	3.30pm-10.30am (except Sundays 10am-8pm)	Occasional conflict reported at times arising from differing uses for this popular park, but generally works harmoniously. Very important off-leash area as it is the only one in Paddington.	No change
Rose Bay	Dumaresq Reserve	4.30pm-8.30am	Small space, therefore timed off-leash is appropriate to continue.	No change
	Rose Bay Foreshore (between Dumaresq Reserve and Percival Park)	All hours	Large space for a variety of aquatic and recreational activities. Very popular off-leash area.	No change

Suburb	Park	Current Dog Off-leash Areas	Notes	Recommendation
	Lyne Park	3.30pm-10.30am (except during organised sports bookings)	Large space for a variety of sport and recreational activities on main sportsground and small field. Regular bookings on both grounds by clubs, schools and community groups. Fenced playground. Extremely popular off-leash area. Balance generally works well.	No change
Vaucluse	Christison Park	3.30pm-10.30am (except during organised sports bookings)	Large space for a variety of sport and recreational activities on 3 sportsgrounds and one smaller field. Regular bookings by clubs, schools and community groups. Very popular dog off-leash area.	No change
	Lighthouse Reserve	All hours	Large space. Very popular off-leash area.	No change

Table 2. Proposed Changes to Dog Controls

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
Bellevue Hill	Bellevue Park	On-leash	High level of anecdotal demand for this large space to become a timed off-leash area. Park is used by Bellevue Hill Public School during the day and before and after school, therefore off-leash must be timed. Playground has a small natural barrier but may still need to be fenced in the future. Recommend reviewing dog behaviour over time before deciding whether playground fence is required.	Off-leash timed 4.30pm-8.30am

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Cooper Park (upper park / amphitheatre)	On-leash	High level of on-leash use currently. Large space. Council resolution for consultation. Council resolution 09.05.2022: <i>A. Changing the current status of "Dogs On Leash" to "Dogs Off Leash" on the Upper Cooper Field (the amphitheatre flat field) in Cooper Park.</i> <i>B. Creating a designated 'Fenced off dog area' for part of Cooper Park</i>	Off-leash untimed
	Cooper Park North	On-leash	Medium to large space. Playground may need to be fenced. Community garden already fenced.	Off-leash untimed
	Thornton Reserve	Prohibited	Dogs would be too close to playground.	No change
Darling Point	Darling Point Reserve	On-leash	Steep access way to the ferry wharf. Transport for NSW are planning to add a lift for access to the wharf and upgrade the landscape in 2023.	No change
	McKell Park	Prohibited	High profile, high quality park. Many weddings. Not appropriate for dog use.	No change
Double Bay	Blackburn Gardens	Prohibited	High profile, high quality park. Many weddings. Not appropriate for dog use.	No change
	Murray Rose Pool	Prohibited	Small beach space, very popular for swimming, sun-bathing and young families. Not appropriate for dogs.	No change

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Redleaf grounds and cafe	Prohibited	<p>In relation to food preparation and consumption areas, for example the Redleaf Café, the Act provides for the following arrangements:</p> <p>14A Dogs not prohibited in outdoor dining areas in certain circumstances:</p> <p>(1) The relevant legal restrictions do not prohibit a dog (other than a dangerous, menacing or restricted dog) from being in an outdoor dining area if –</p> <ul style="list-style-type: none"> a) the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and b) the person does not feed the dog or permit the dog to be fed, and c) the dog is kept on the ground. <p>After careful consideration it is recommended that dogs be allowed on-leash around the Redleaf grounds as far down as the café level, including all pathways, but excluding the grass areas at Blackburn Gardens.</p>	On-leash (to café level only. Beach prohibited. Grass areas at Blackburn Gardens also prohibited)
	Double Bay Beach	Prohibited	Small space on sand used by young families, therefore not considered appropriate for dogs off-leash. Steyne Park is very close and has an off-leash area.	No change

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
Paddington	Trumper Park	On-leash	Large Park with high ecological value and threatened species. Appropriate for dogs to remain on-leash throughout park. Playground is fenced. Oval is highly used by local sporting clubs and requires to be maintained to a high standard.	No change
	Harris Street Reserve	On-leash	Very small park providing access into Trumper Park.	No change
Point Piper	Lady Martins Beach	On-leash	Small space on sand used by young families, therefore not considered appropriate for off-leash. Rose Bay Park and Beach is very close and is recommended to become off-leash.	No change
Rose Bay	Woollahra Oval No.2 & 3	On-leash	Large space for a variety of sport and recreational activities. Opportunity to make this space consistent with most other sportsgrounds and allow timed dog off-leash use. It is anticipated that this change will also reduce some of the turf wear and tear caused by high number of dogs at the nearby Lyne Park sportsgrounds. The area may require dogs to be on-leash when turf wicket maintenance is being undertaken for WHS reasons to ensure the safety of staff or contractors who spending long periods of time working on the turf wicket area.	Off-leash timed 3.30pm-10.30am (except during organised sports bookings)
	Rose Bay Park and Beach	On-leash	Large park and medium size beach. Very popular for dog on-leash. Contains a playground which would need to be fenced.	Off-leash untimed

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Pannerong Reserve	Prohibited	Resolved. Not for consultation. Council Resolution 29.09.2022: <i>A. Council allow dogs on-leash in Pannerong Reserve upon the installation of regulatory signage in the park.</i> <i>B. Should Council resolve to allow dogs on-leash at Pannerong Reserve, it be excluded from the pending draft LGA-wide review of dog regulations.</i>	On-leash
	Percival Park	Prohibited	Very small park. Contains new toilet facilities and tables and benches. Park provides an important access point to the Rose Bay Foreshore off-leash area. On-leash access is more appropriate than off-leash due to the small size of the park and the other amenities in it.	On-leash
	Tingira Memorial Park & Beach	Prohibited	Small park used commonly by school groups for gathering and instruction prior to undertaking kayaking tuition. Also used passively by people to eat lunch or sit and relax. Contains a memorial therefore not appropriate for dogs to be off-leash. Thoroughfare for access to Rose Bay Foreshore dog off-leash area. On-leash considered appropriate.	On-leash
	Woollahra Oval (Andrew Petrie Oval)	Prohibited - on playing surface only	High quality synthetic grass surface. Heavily booked throughout the day and evening by schools and clubs. Nearby Woollahra Oval No.2 & 3 is recommended to become a timed off-leash area.	No change
Vaucluse	Samuel Park	On-leash	Medium size space, quite steep in sections. Contains playground that would need to be fenced on one side (other three sides have natural barrier and boundary fences).	Off-leash untimed

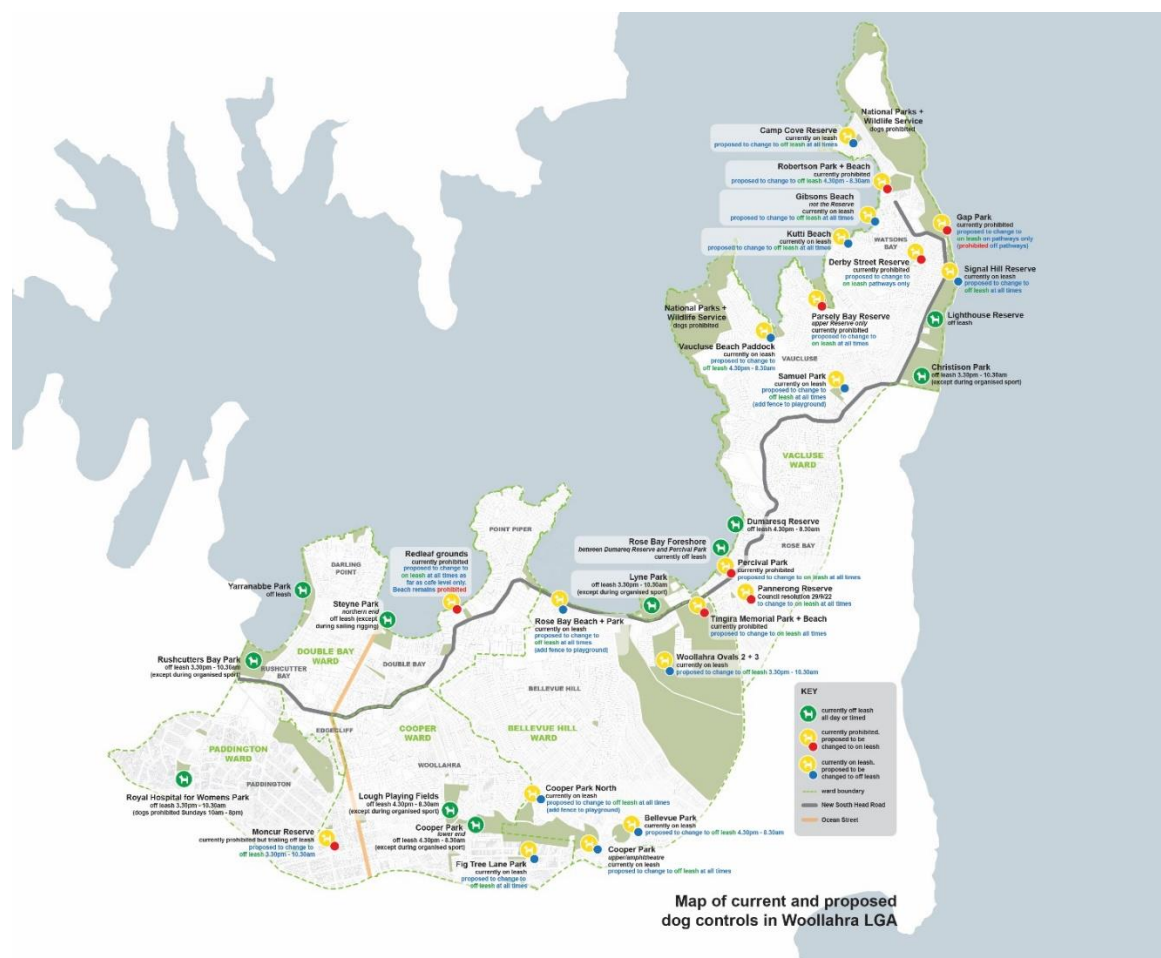
Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Signal Hill Reserve	On-leash	Large space. Recommended to be made consistent with off-leash areas in Lighthouse Reserve and Christison Park and make a continuous off-leash trail between Christison Park and the start off Gap Park, which would be on-leash due to ecological threatened species	Off-leash untimed
	Kutti Beach	On-leash	Steep access to beach. Very popular dog on-leash area. Off-leash is considered appropriate.	Off-leash untimed
	Parsley Bay Reserve	Prohibited - both upper and lower parts of reserve	The reserve has high ecological value. Upper part of the reserve needs to be formally changed to on-leash so that dog walkers can access Parsley Bay Bridge and walk through the streets of Vaucluse. The lower reserve and the paths leading down to it should remain prohibited to dogs due to the high ecological values of the bushland which contained threatened species. Lower reserve is also extremely popular with schools, families and tourists and the playground is unfenced.	On-leash (upper reserve) No change (lower reserve)
	Derby Street Reserve	Prohibited	Medium sized high in Vaucluse with views to the city. No street frontages, access by pathways from streets, surrounded on all sides by residential properties. Not used very much by the wider community for recreational activities or play by children.	Off-leash untimed
	Vaucluse Beach Paddock and Beach	On-leash	Land is part of Vaucluse House and is managed by Museums of History NSW (previously known as Sydney Living Museums). Beach Paddock is directly across the road from Vaucluse House. MH NSW wants the paddock and beach to become a timed off-leash area. Council's Animal Compliance Officers will continue to patrol the park for MH NSW.	Off-leash 4.30pm-8.30am

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
Watsons Bay	Camp Cove Reserve	On-leash	Very small space. Popular on-leash area. Considered that dog off-leash and recreation users without dogs can co-exist in harmony.	Off-leash untimed
	Gibsons Beach and Gibsons Beach Reserve	On-leash on footpath only (prohibited on beach and in Reserve)	The beach is considered appropriate for dogs to be allowed off-leash. Anecdotally, not many young families use the beach. Gibsons Beach Reserve will continue to be dogs prohibited as it is a popular wedding venue and the adjacent beach is recommended to become off-leash.	Off-leash untimed at beach and footpath. Prohibited in Reserve.
	Camp Cove Beach	Prohibited	Beach is very popular with local residents, young families, visitors and tourists. Dogs on beach is not considered appropriate.	No change
	Gap Park	Prohibited	High ecological value bushland with threatened species. Pathways ONLY proposed to be on-leash to enable people to complete the Coastal Walkway between Christison Park and Gap Park with their dogs.	On-leash (on pathways only)
	Robertson Park & Beach	Prohibited	Large park and beach area popular with local residents, young families, visitors and tourists. Also a popular wedding venue during daylight hours. Fenced playground. Considered that the park and beach is appropriate for dogs off leash from the late afternoon onwards after most families and tourists have left the park.	Off-leash timed 4.30pm-8.30am
Woollahra	Harbour-view Park	On-leash	Medium size space. Playground is unfenced, basketball half court, steep bushland and bushcare site. There are dog off-leash areas very close by at Lough Playing Fields and Cooper Park. Dogs being off-leash is not considered appropriate in this park.	No change

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Fig Tree Lane Park	On-leash	Council Resolution 31.10.2022: THAT staff undertake community consultation to determine community views on changing the current status of "Dogs On Leash" to "Dogs Off Leash" either timed or untimed in Fig Tree Lane Park.	Off-leash untimed
	Chiswick Gardens Reserve	Prohibited	High profile, high quality park. Many weddings. Not appropriate for dog use.	No change
	Plumb Reserve	Prohibited	Park contains fenced playground. Park booked daily by adjacent schools. Park also used before and after school. Fig Tree Lane Park, directly across the road, is recommended to become an off-leash area.	No change

Suburb	Park	Current Restrictions	Notes	Recommended Changes to Dog Controls
	Moncur Reserve	Prohibited	<p>Council Resolution 22.11.2021: <i>THAT staff investigate the feasibility of making Moncur Reserve (not including the basketball hoop section of the Reserve) dogs off-leash after 3.30pm and before 10:30am every day including the possibility of installing a dog bag dispenser for the convenience of the community.</i></p> <p>The trial commenced in early 2022 and has continued all year. The trial has been overwhelmingly successful, with only one person contacting Council to object. It also works because there are spaces for recreational areas in other open space around Moncur Reserve, including active recreation such as basketball and handball in adjacent Spicer Lane Reserve and passive recreation in adjacent Pat Thompson Park. On the down side the turf has been severely degraded, partly due to the large number of dogs and partly due to the large volume of rain and poor drainage, given that it is designed as a flood detention basin to help mitigate against floods for Spicer Lane properties.</p>	Off-leash timed 3.30pm-10.30am

Figure 1. Map of current and proposed dog controls in Woollahra LGA for public exhibition (note larger image available as Attachment 1)



Community consultation

Community consultation for the proposed changes to dog controls will commence in early February 2023. This is to coincide with the commencement of the new school year and to allow a time gap between this consultation and the consultations for the draft Crown Reserve Plans of Management, draft Recreation Strategy and draft Play Space Strategy, which are scheduled to commence concurrently in mid-January. This timing will enable sufficient staff resourcing to organise the various consultations and allow for different consultations to be promoted to the community at different times.

Council's Animal Advisory Committee (AAC) will be consulted on the proposed changes during the public exhibition period and at the last AAC meeting the committee set Thursday 2 February 2023 as the date for that consultation meeting.

The consultation strategy for the proposed changes to dog controls will also include the installation of temporary signage in prominent locations in all of the affected parks and beaches. It will be widely exhibited with all of the usual engagement methods utilised.

The consultation period is proposed to run for six weeks so that it closes at least two weeks after the close of consultations for the other open space strategies listed above.

Options:

Council may resolve in line with the recommendation/s as included in this report or Council may choose to resolve in some other manner.

Community Engagement and / or Internal Consultation:

Internal consultations undertaken during the LGA-wide review of dog controls involved the following Council officers:

- Open Space & Recreation Planning staff
- Parks maintenance staff
- Bushland maintenance staff
- Companion animal officers
- Rangers
- Sustainability and Environment staff

In addition, previous Council Notices of Motion were considered (as listed in Table 2 of the report) and Council's Animal Advisory Committee was informed about the review of dog controls at its meeting on 17 November 2022 and told that this report would be an Agenda item at the next FC&S Committee meeting.

Policy Implications:

Nil

Financial Implications:

Following the review of the community feedback and the subsequent recommendations of changes to dog controls, there are potentially significant financial implications that will need to be considered by Council which are not currently included in Council's current Capital Works Program.

Details about the financial implications will be brought back to Council after public exhibition and the likelihood of the final number and location of dog off-leash areas is known, allowing a detailed estimate of probable costs to be prepared. Items with financial implications include:

- regulatory signs
- additional park bins
- drinking fountains with taps and dog bowls
- playground fencing.

Resourcing Implications:

Further details about the resourcing implications will be brought back to Council after public exhibition when the final number and location of dog off-leash areas is known.

The community and Council's Animal Compliance Officers have identified the need for improved management and control of dogs through community education and awareness as a means to encouraging positive dog behaviour and increasing dog owners' sense of responsibility.

An awareness and education program that includes information, signage, and training opportunities in partnership with interest groups and the promotion of key messages is recommended to maximise successful delivery of the dog controls recommended in this report.

Funding for a community awareness and education program, both after the roll out of the new dog controls and on an ongoing basis, has not currently been allocated and will need to be addressed prior to the roll out.

Conclusion:

The LGA-wide review of dog controls proposes a significant number of changes to the existing controls including an increase in the number of dog off-leash and on-leash areas.

The proposed changes are now ready for community consultation. Should the recommendation be approved by this Committee to proceed to public exhibition, a further report will to be brought back to Council following that consultation process with the results of the feedback and recommendations for adoption.

Attachments

1. Map of current and proposed dog controls in Woollahra LGA for public exhibition